

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY GERALD AND EVELYN HOLDHUSEN,)	HEARING
ABERDEEN, SOUTH DAKOTA, AGAINST)	
TALK.COM HOLDING CORP. D/B/A THE)	CT00-110
PHONE COMPANY REGARDING)	
UNAUTHORIZED SWITCHING OF SERVICES)	

On November 29, 2000, the Public Utilities Commission (Commission) received a complaint filed by Gerald and Evelyn Holdhusen, Aberdeen, South Dakota (Complainants), against Talk.com Holding Corp. d/b/a The Phone Company (Talk.com) regarding unauthorized switching of services.

On November 29, 2000, the complaint was faxed to Talk.com. Pursuant to ARSD 20:10:01:09, Talk.com was notified that it must satisfy the complaint or file an answer in writing with the Commission by December 19, 2000. The Commission has not received an answer from Talk.com to this complaint.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

By order dated December 20, 2000, a hearing was scheduled for January 17, 2001, in the Commission's Cactus Conference Room, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On January 5, 2001, Commission Staff received a settlement and release of the complaint, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for January 17, 2001, is cancelled.

Dated at Pierre, South Dakota, this 8th day of January, 2001.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner